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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

31 AUG 1969

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st February, 1969:—

BILL No. 101 OF 1968

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1968. Short title.

Insertion of new section 121B.

2. After section 121A of the Indian Penal Code, 1860, the following section shall be inserted, namely:— 45 of 1860.

Raising of slogans, or showing of support etc. for countries or their leaders, hostile to India, punishable.

"121B. Whoever raises slogans, or in any form shows any support, praise or sympathy for China and Pakistan or the leaders of these countries, hostile to India at the moment, shall be punished with imprisonment of either description which may extend to five years, and shall also be liable to fine:

Provided that Parliament may at any time delete or add the name of any country in this section."

STATEMENT OF OBJECTS AND REASONS

It is often observed that certain elements in this country do raise slogans and or otherwise show sympathies, support or praise for the leaders and countries which are hostile to our country. It is, therefore, expedient that a check is placed by amending the Indian Penal Code.

Hence this Bill.

NEW DELHI; KANWAR LAL GUPTA.

The 24th October, 1968.

BILL No. 99 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1968.

Substitution of article 43.

2. For article 43 of the Constitution, the following article shall be substituted, namely:—

Formation of a multi-party Government by the President in the event of the State falling to secure living wage etc. for workers by 1972.

"43. The State shall, before the General Elections to be held in 1972, secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage equivalent in its purchase value to the purchase value of money prior to the independence of the country and conditions of work ensuring full enjoyment of leisure and social and cultural opportunities, failing which the President may thereafter form a multi-party Government based upon the talent which he may consider proper."

STATEMENT OF OBJECTS AND REASONS

The rise in prices has been more than the rise in income of the workers during the last 20 years. The result of this disproportionate rise in incomes and prices is the present dissatisfaction amongst the workers. Article 43 of the Constitution regarding the Directive Principles of State Policy uses the words, 'The State shall endeavour' and the endeavour appears to have brought minus results so far. It is, therefore, expedient that there ought to be some time limit to do the needful, failing which a talent-based Government may be formed by the President.

Hence this Bill.

NEW DELHI;
The 24th October, 1968.

KANWAR LAL GUPTA.

BILL NO. 100 OF 1968

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1968. Short title.

2. In article 75 of the Constitution, in clause (5), for the words "either House of Parliament", the words "Lok Sabha" shall be substituted. Amendment of article 75.

3. In article 164 of the Constitution, in clause (4), for the words "the Legislature", the words "the Legislative Assembly" shall be substituted. Amendment of article 164.

STATEMENT OF OBJECTS AND REASONS

Whereas it is expedient to ensure that the persons who have not been elected by the people in elections do not occupy the important positions which empower them to frame and work out the policy of the Government it is felt essential to amend the Constitution in this respect.

Hence this Bill.

NEW DELHI;
The 24th October, 1968.

KANWAR LAL GUPTA.

BILL No. 1 OF 1969

A Bill further to amend the Income-tax Act, 1961.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Income-tax (Amendment) Act, 1969. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf and different dates may be appointed for different provisions of this Act.

Amendment of section 80C.

2. In section 80C of the Income-tax Act, 1961, in sub-section (4),— 43 of 1961.

(i) in clause (*i*), the proviso shall be omitted.

(ii) in clause (*ii*), the brackets and words "[including an author, playwright, artist, musician or actor, to whom the provisions of clause (*i*) do not apply]" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

While accepting a motion to amend the Income-Tax (Second Amendment) Rules, 1968 moved by me in Lok Sabha on the 20th August, 1968, the Minister of State in the Ministry of Finance, Shri K. C. Pant, agreed that in the case of an individual being an author, playwright, artist, musician or actor, the amounts paid by such a person to effect insurance and contributions to public provident fund, Cumulative Time Deposit etc. would qualify for the prescribed rebate from Income-tax up to a limit of 33-1|3 per cent. of the total income or Rs. 25,000 whichever is less. According to section 80C of the Income-tax Act, 1961 as it stands at present, the preferential limits for such persons would be effective only if such individual has effected an insurance prior to 1st March, 1964. This Bill seeks to amend section 80C so as to provide that this preferential treatment shall be available to such persons even after 1st March, 1964, as was the assurance of the Minister on the floor of the House.

NEW DELHI;
The 13th November, 1968. S. S. KOTHARI.

President's Recommendation under articles 117 and 274 of the Constitution of India

[Copy of letter dated the 3rd December, 1968 from Shri Morarji Desai, Deputy Prime Minister and Minister of Finance to the Secretary, Lok Sabha].

The President has recommended, under article 117(1) and article 274(1) of the Constitution, the introduction of the above-mentioned Bill by Shri S. S. Kothari, in the Lok Sabha.

BILL NO. 5 OF 1969

A Bill to provide for compulsory scrutiny and approval by a Central Authority of agreements entered into by public undertakings and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Public Undertakings (Compulsory Approval of Agreements) Act, 1969.

Definitions.

2. For the purposes of this Act,—

(*1*) 'Central Authority' means the Government of India in the Ministry of Law;

(2) 'public undertakings' mean and include all undertakings in which the Central Government owns not less than 25 per cent. of the total share capital or 25 per cent. of its equity share capital, whichever is lower, in whatsoever manner the undertaking may have been constituted.

Scrutiny of draft agreement by the Central Authority.

3. No public undertaking shall enter into any agreement involving a consideration of rupees ten lakhs or more with any person, Government or semi-Government body in India or abroad, unless such agreement, in its draft form, has been scrutinised and approved by the Central Authority.

Issue of certificate of approval.

4. The Central Authority, on being so requested by a public undertaking, shall scrutinise any draft agreement presented to it by such public undertaking and after making such changes in the draft agreement, as it considers necessary, approve and initial the draft agreement as corrected; and the said Authority shall attach a certificate in the prescribed form to such draft agreement stating that it has scrutinised and approved the draft agreement as corrected and such certificate and initialling of the draft agreement shall be done by an officer not below the rank of a Joint Secretary.

Power to send for persons, papers and records.

5. The Central Authority shall have power to send for persons, papers and records connected with the public undertaking concerned.

Penalty for contravention of provisions of section 3.

6. Any officer of a public undertaking who enters into an agreement on behalf of the undertaking in contravention of the provisions of section 3 shall be liable to a fine upto rupees five thousand or simple imprisonment which may extend to a period of three months, or both.

Fees for services rendered.

7. The Central Authority may charge the public undertaking such reasonable fee for rendering the services required under this Act as it deems fit.

Power to make rules.

8. (1) The Central Government shall, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions,

and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The agreements entered into by several public undertakings with foreign collaborators or with local parties have, on scrutiny, revealed serious blemishes which have ultimately involved the concerns in heavy losses either in monetary terms or on account of poor quality of machinery or technical services supplied. The lacunae in certain cases have been of a serious nature. In the case of an undertaking, it was stated that the agreement was not scrutinised either by the Financial Adviser, Law Ministry or a solicitor and the concern suffered sizeable loss on account of certain clauses, which were entirely prejudicial to the interests of the undertaking.

This Bill seeks to make it obligatory for all public undertakings to have their draft agreements, involving consideration over rupees ten lakhs, approved by the Ministry of Law and certified and initialled by an officer of that Ministry, not below the rank of a Joint Secretary.

S. S. KOTHARI.

NEW DELHI;
The 12th November 1968.

FINANCIAL MEMORANDUM

The provisions of clause 4 of the Bill, when enacted, will entail some additional outlay by the Ministry of Law. This expenditure will be of a recurring nature and will be to the tune of rupees one lakh per year. There will be no non-recurring expenditure. Provision has been made in this Bill for recovery of the expenditure from the public undertakings in the form of fees to be charged by the Ministry. If the fees are judiciously worked out, no additional net burden should accrue to the Government.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 confers rule-making powers on the Central Government. The delegated power relates to the details and is of a normal character.

BILL No. 4 OF 1969

***A Bill** to amend the Gold (Control) Act, 1968.*

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Gold (Control) Amendment Act, 1969.

Amendment of section 16.

2. In section 16 of the Gold (Control) Act, 1968 (hereinafter referred to as the principal Act) in sub-section (7), for the words "in any capacity other than the capacity of a licensed dealer", the words "in the capacity of a licensed dealer" shall be substituted. 45 of 1968.

3. In section 27 of the principal Act, in sub-section (6), for clauses (*a*) and (*b*) of the proviso, the following clauses shall be substituted, namely:— Amendment of section 27.

"(*a*) in the case of issue of a new licence an application may be cancelled if the applicant has no previous experience in the business of gold or gold ornaments,

(*b*) in the case of renewal of the existing licences it may be cancelled only after conviction of the dealer for serious infringement of the Gold (Control) Act, 1968,"

4. In section 42 of the principal Act, in part (*ii*), for the words "three hundred grammes", the words "one thousand grammes" shall be substituted. Amendment of section 42.

5. In section 52 of the principal Act, for the words "approved by the Administrator", the words "intimated to the Administrator within three months" shall be substituted. Amendment of section 52.

6. In section 100 of the principal Act, after the words "any gold" the words "more than five hundred grammes" shall be inserted. Amendment of section 100.

STATEMENT OF OBJECTS AND REASONS

The Gold (Control) Act, 1968 as passed by Parliament after much discussion and controversy is on the whole of discriminatory nature. Certain sections of the Act have taken away the rights of particular citizens, specially those who will take up this business under proper licences. I have suggested amendments to sub-section (7) of section 16, sub-section 6(a) and (b) of section 27, section 42, section 52 and section 100 with a view that dealers are not put to unnecessary harassment by Gold Control Officers. Dealers are also citizens of India and can equally claim protection of Fundamental Rights like other citizens. The Act contains adequate provisions to penalize offending dealers and, therefore, the amendments suggested will not give them any free scope to evade the provisions of this Act but, on the other hand, it will be befitting and justifiable if certain relaxations are made in the case of dealers.

Hence this Bill.

NEW DELHI; BENOY KRISHNA DASCHOWDHURY.
The 15th November, 1968.

BILL NO. 2 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, of 1969.

(2) This Act shall come into force at once.

Amendment of article 32.

2. In article 32 of the Constitution, after clause (2), the following new clause shall be inserted, namely:—

"(2A) No remedy under this article shall be denied to any petitioner by the Supreme Court on the ground of delay."

Amendment of article 226.

3. In article 226 of the Constitution, the following new clause shall be inserted at the end, namely:—

"(3) No remedy under this article shall be denied by a High Court to any petitioner on the ground of delay."

STATEMENT OF OBJECTS AND REASONS

The Supreme Court, in its majority judgment, delivered on 22nd November, 1968 (in the case of Trilokchand Motichand and others *vs.* Bombay Sales Tax Commissioner), has held that delay in filing a writ petition disentitles the petitioners to the benefit of the writ remedy.

This is beyond the spirit and letter of the language of article 32 of the Constitution. To prescribe a time limit is to abridge the fundamental right guaranteed by the Constitution and deprive the citizen of the most valued right and it is not in the province of courts to prescribe "Limitation" to any cause.

The only way to restore that right to the citizens is by amending the Constitution and making it clear that the Supreme Court shall not deny to any petitioner the remedy under article 32 on the ground of delay. A similar situation is likely to arise under article 226 in a petition before a High Court and so the amendment of article 226 is also necessary.

The Bill is intended to achieve the above object.

NEW DELHI; TENNETI VISWANATHAM
The 26th November, 1968.

BILL No. 7 OF 1969

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1969.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution,—

(*a*) after entry 2, the entry "2A. Bhojpuri." shall be inserted,

(*b*) after entry 6, the entry "6A. Maithili." shall be inserted, and

(c) after entry 10, the entry "10A. Rajasthani." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Eighth Schedule to the Constitution contains the names of fifteen languages of India. But Maithili, Rajasthani and Bhojpuri do not find place there. Maithili is a very rich language and has literary history of above seven hundred years. It is the mother tongue of more than fifteen millions of people. It is recognised for post-graduate studies in the Universities of Calcutta, Bihar, Patna, Allahabad, etc., and there has been widespread demand for its inclusion in the Eighth Schedule to the Constitution. Besides, it is the mother tongue of a large and populous part (Terai) of Nepal whose inhabitants have regular social, cultural academic and commercial dealings with their Maithili-speaking neighbours of India, mainly in North Bihar.

Rajasthani is a language of immense importance spoken by overwhelming majority of the people of Rajasthan. Similarly, Bhojpuri is the mother tongue of the inhabitants of a vast area inhabiting the western parts of Bihar and eastern U.P. It has been developing speedily during the last several decades. The inclusion of these three languages in the Eighth Schedule to the Constitution will immensely help the cause of literacy and consequent advancement of the vast masses of the illiterate and semi-literate billions whose mother tongues they are. This, in its turn, will accelerate the development of Hindi as our national link language.

Hence the Bill.

NEW DELHI;
The 29th November, 1968.

BHOGENDRA JHA.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

EIGHTH SCHEDULE

[Articles 344(1) and 351]

Languages

1. Assamese.
2. Bengali.
3. Gujarati.
4. Hindi.
5. Kannada.
6. Kashmiri.
7. Malayalam.
8. Marathi.
9. Oriya.
10. Punjabi.
11. Sanskrit.
12. Sindhi.
13. Tamil.
14. Telugu.
15. Urdu.

BILL NO. 3 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.

2. In article 240 of the Constitution, in sub-clause (a) of clause (1), for the words "the Andaman and Nicobar Islands", the words "Shaheed and Swaraj Dwips" shall be substituted. Amendment of article 240.

3. In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", for the figure and words "5. The Andaman and Nicobar Islands", the figure and words "5. The Shaheed and Swaraj Dwips" shall be substituted. Amendment of First Schedule.

STATEMENT OF OBJECTS AND REASONS

The Andaman Islands have a very close and intimate connection with the struggle for independence of the country. A number of stalwarts, notably Lokmanya Tilak, Barindra Kumar Ghose, Abinash Bhattacharrya, Lala Lajpat Rai, V. D. Savarkar and others were at some time or the other imprisoned there. Moreover, on 31st December, 1943 Netaji Subhash Chandra Bose, as the head of the Azad Hind Government, set his foot on free Andaman's territory and decided to rename the Andaman and Nicobar Islands as the Shaheed (Martyrs) and Swaraj (Independence) Islands.

So the public opinion in the country has been strongly in favour of changing the name of these Islands to commemorate the memory of all those martyrs who sacrificed their lives for their country and also to show the greatest respect to Netaji Subhash Chandra Bose by accepting the names given by him to these Islands. Views have been expressed within and outside Parliament that these Islands should be more appropriately named "The Shaheed and Swaraj Dwips" in glowing tributes to our revolutionary leaders. Moreover, because of the "Shaheeds" (Martyrs) we have been able to win Swaraj, that is, independence. Therefore, in the fitness of things, these islands should be named "Shaheed and Swaraj Dwips".

Hence this Bill.

NEW DELHI,
The 17th December, 1968.

B. K. DASCHOWDHURY.

BILL No. 6 OF 1969

A Bill further to amend the Food Corporations Act, 1964.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Food Corporations (Amendment) Act, 1969. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government, may, by notification in the Official Gazette, appoint.

37 of 1964.

2. For section 34 of the Food Corporations Act, 1964, the following section shall be substituted, namely:— Substitution of section 34.

"34. (*1*) A Food Corporation shall maintain proper accounts and other relevant records and prepare an annual statement of

accounts including the profit and loss account and the balance-sheet in accordance with such general directions as may be issued and in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of a Food Corporation shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Corporation to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporation.

(4) The accounts of a Food Corporation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and where the accounts relate to a State Food Corporation, also to the Food Corporation of India."

STATEMENT OF OBJECTS AND REASONS

Section 34 of the Food Corporations Act, 1964 provides that a Food Corporation shall maintain proper accounts and other related records and proper annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be prescribed. The object of this Bill is to define the manner in which the accounts of a Food Corporation are to be maintained. The Bill seeks to lay down that the accounts shall be maintained in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Similarly, under the existing provisions, audit of the accounts of the Food Corporation is conducted by auditors appointed annually by the Food Corporation from among a list of auditors approved by the Central Government on the advice of the Comptroller and Auditor-General of India.

This system appears to be far from satisfactory as it does not provide for audit by the Comptroller and Auditor-General. It is desirable that like the ONGC, Air India, IAC and Central Warehousing Corporation the accounts of the Food Corporation are audited by the Comptroller and Auditor-General of India. The Bill seeks to amend the Food Corporations Act, 1964 to provide for audit by the Comptroller and Auditor-General.

C. C. DESAI.

NEW DELHI;
The 19th December, 1968.

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